

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments, especially in
5 Response to Arguments, which have greatly assisted Applicant in responding.

2. **35 U.S.C. §101.**

The Examiner maintained the rejection of Claims 1-78 as directed to non-statutory
10 matter. Further, the Examiner explained his reasoning in Response to Arguments.

Applicant has amended the independent Claims 1 and 40 to further clarify the
subject matter as being statutory.

15 Support can be found in the Specification, particularly in the Overview section.

Accordingly, Applicant is of the opinion that Claims 1-78 are in allowable condition.
Therefore, Applicant respectfully requests that the Examiner withdraw the rejection
under 35 U.S.C. §101.

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3. **35 U.S.C. §112, first paragraph.**

The Examiner stated that under 35 U.S.C. §112, first paragraph because current
case law require such a rejection if a §101 rejection is given because when Applicant
25 has not in fact disclosed the practical application for the invention, as a matter of law
there is no way Applicant could have disclosed how to practice the undisclosed
practical application.

In view of the amendment to claims and the discussion herein above Applicant
30 deems the rejection moot and, accordingly, respectfully requests that Examiner
withdraw the rejection under 35 U.S.C. §112, first paragraph.

4. It should be appreciated that Applicant has elected to amend the Claims
solely for the purpose of expediting the patent application process in a manner
consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In
35 making such cancellation and amendment, Applicant has not and does not in any
way narrow the scope of protection to which Applicant considers the invention herein
to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection

at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

CONCLUSION

5 Based on the foregoing, Applicant considers the present invention to be
distinguished from the art of record. Accordingly, Applicant earnestly solicits the
Examiner's withdrawal of the rejections raised in the above referenced Office Action,
such that a Notice of Allowance is forwarded to Applicant, and the present
application is therefore allowed to issue as a United States patent. The Examiner is
10 invited to call to discuss the response. The Commissioner is hereby authorized to
charge any additional fees due or credit any overpayment to Deposit Account No.
07-1445.

Respectfully Submitted,

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